

7A Am. Jur. 2d Automobiles § 27

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Automobiles and Highway Traffic

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I. In General


C. Regulation, in General

3. Validity of Regulations

§ 27. Regulations pertaining to vehicles engaged in transportation for hire

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Automobiles](#)  5(1), 59

The use upon the public highways of motor vehicles engaged in transportation for hire may be prohibited, restricted, or conditioned by the controlling public authority.¹ This rule applies to private contract carriers² as well as to common carriers.³ Indeed, commercial motor carriers are highly regulated by the state.⁴ Municipalities may regulate and control traffic; to that end, there is a strong public interest in regulating taxicabs, which include preventing congestion on the streets, insuring traffic safety, providing its citizens with a safe and reasonably priced service, preventing unsafe driving, and insuring that competent people are servicing its citizens.⁵

Statutes and ordinances regulating vehicles and their operation upon the public ways must not unjustly discriminate between individuals or classes.⁶ Buses form a separate and distinct class of conveyance, and therefore regulations pertaining to such vehicles are not discriminatory because streetcars, taxicabs, and the like, are excluded from their operation.⁷ So too, as a general rule, “jitneys” may be subjected to different regulations than those applicable to privately owned automobiles,⁸ although an ordinance prohibiting jitneys has been held to be unconstitutional classification on the ground that it bore no substantial relationship to traffic safety.⁹ A statute allowing municipalities to regulate provision of ambulance services allows for a single provider system to be adopted in the interest of public health and safety.¹⁰ A distinction may also be made between private carriers who transport their own property for compensation and those who transport their own property without compensation.¹¹

Footnotes

- 1 Stephenson v. Binford, 287 U.S. 251, 53 S. Ct. 181, 77 L. Ed. 288, 87 A.L.R. 721 (1932); Continental Baking Co. v. Woodring, 286 U.S. 352, 52 S. Ct. 595, 76 L. Ed. 1155, 81 A.L.R. 1402 (1932); Bucks County Services, Inc. v. Philadelphia Parking Authority, 104 A.3d 604 (Pa. Commw. Ct. 2014).
As to regulations affecting interstate commerce, see § 28.
- 2 Hicklin v. Coney, 290 U.S. 169, 54 S. Ct. 142, 78 L. Ed. 247 (1933); Stephenson v. Binford, 287 U.S. 251, 53 S. Ct. 181, 77 L. Ed. 288, 87 A.L.R. 721 (1932).
- 3 Mayor & Aldermen of Savannah v. Knight, 172 Ga. 371, 157 S.E. 309, 73 A.L.R. 1289 (1931); Village of Schaumburg v. Franberg, 99 Ill. App. 3d 1, 54 Ill. Dec. 336, 424 N.E.2d 1239 (1st Dist. 1981).
- 4 State v. Bone, 27 Kan. App. 2d 582, 6 P.3d 914 (2000).
- 5 G & C Transp., Inc. v. McGrane, 32 Misc. 3d 872, 928 N.Y.S.2d 208 (Sup 2011), order aff'd, 97 A.D.3d 817, 949 N.Y.S.2d 113 (2d Dep't 2012).
- 6 § 26.
- 7 Clem v. City of La Grange, 169 Ga. 51, 149 S.E. 638, 65 A.L.R. 1361 (1929); City of Memphis v. State, 133 Tenn. 83, 179 S.W. 631 (1915).
The Commissioner of the State Department of Transportation did not possess exclusive power to regulate bus lines within a city which had adopted an ordinance to regulate or franchise bus line operations. City of New York v. TransportAzumah LLC, 101 A.D.3d 465, 955 N.Y.S.2d 333 (1st Dep't 2012).
- 8 City of Memphis v. State, 133 Tenn. 83, 179 S.W. 631 (1915).
- 9 Santos v. City of Houston, Tex., 852 F. Supp. 601 (S.D. Tex. 1994).
- 10 Med Life Emergency Services, Inc. v. Ouachita Parish Police Jury, 986 So. 2d 192 (La. Ct. App. 2d Cir. 2008), writ denied, 993 So. 2d 1285 (La. 2008).
- 11 Stephenson v. Binford, 287 U.S. 251, 53 S. Ct. 181, 77 L. Ed. 288, 87 A.L.R. 721 (1932).

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